



## STATE OF WASHINGTON

# PUBLIC DISCLOSURE COMMISSION

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TO: Members, Public Disclosure Commission

FROM: Doug Ellis  
Director of Public Outreach

DATE: November 23, 2004

SUBJECT: Continuation of Rule-Making Process and Conceptual Discussion of Potential Rules

The following draft rule amendments are presented as a continuation of the rule making activity first undertaken at your August 24, 2004 meeting.

**Penalty Schedules.** Possible rule amendments to WAC 390-37-160, WAC 390-37-165, WAC 390-37-170 and WAC 390-37-175 to clarify that those persons who, after one non-filing occasion, again fail to file required reports will automatically be scheduled before the full Commission for enforcement action. See attached draft rule amendments.

### **Conceptual Discussion of Potential Rules**

**WAC 390-37-090 Informal Settlement – Cases Resolved by Stipulation prior to an Enforcement Hearing (adjudicative proceeding), or by other Alternative Dispute Mechanisms.** Possible rule amendment to remove the requirement to read stipulations into the record.

**WAC 390-37-060 Enforcement procedures – Investigation of complaints – Initiation of hearing (adjudicative proceeding).** Possible rule amendment to WAC 390-37-060(3). The term “other consideration” is overly broad as it relates to the 10 calendar day notification to respondents prior to a meeting of the Commission. Staff believes the 10 day notice should only apply to actual hearings under The Administrative Procedures Act and not to pre-hearing conferences and the like.

**WAC 390-19-030 Electronic Filing – Reporting Threshold.** Possible rule amendment to exempt in-kind contributions from the expenditure threshold. Currently, “each candidate or political committee that expended ten thousand dollars or more in the preceding year or expects to expend ten thousand dollars or more in the current year shall file all contribution reports and expenditure reports required by this chapter by the electronic alternative provided by the commission under RCW 42.17.369.”

In-kind contributions are only considered expenditures by candidates and political committees for accounting purposes. The possible amendment would exempt in-kind contributions from the \$10,000 mandatory electronic filing threshold, since these funds are not directly spent by the campaigns.

**WAC 390-16-125 Mini Campaign Reporting - Exceeding Limitations.** Possible rule amendment to provide more guidance to candidates and political committees as to when a change in reporting options from Mini reporting to Full reporting is allowed.

**Expedited Rule Making.** Staff will proceed with Expedited Rule Making on the permanent repeal of WAC 390-16-311 and minor changes to current PDC forms.

Action by the Commission. At this point, staff is requesting the Commission approve the draft language in WAC 390-37-160, WAC 390-37-165, WAC 390-37-170 and WAC 390-37-175. If approved, the draft language will be filed with the Code Reviser's Office and a public hearing scheduled for January 25, 2005.